

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-16231-2015

Date of decision : 07.07.2015.

Mustak

..... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Vaibhav Prashar, Advocate for petitioner.

Mr. R.S. Doon, AAG, Haryana.

DARSHAN SINGH, J. (Oral)

This petition has been filed by petitioner Mustak for grant of regular bail in case FIR No.532 dated 24.09.2014 under Section 392 of the Indian Penal Code, 1860 (here-in-after called the IPC) (sections 397, 411, 412, 34 IPC were added later on) and Section 25 of the Arms Act.

The present petitioner was arrested along with his co-accused on the allegations that they have committed the robbery and taken away truck looted with articles.

Learned counsel for the petitioner states that no recovery of any stolen articles has been effected from the possession of present petitioner. The empty truck was recovered while parked near toll-tax Behror Road, Alwar and the stolen articles were recovered on the basis of disclosure statement of co-accused Sube Singh. The investigation has already completed. The concession of bail has been granted to co-accused Khussi and Sube Singh.

Learned State counsel has not disputed the aforesaid factual position.

It is not disputed that name of the petitioner was not mentioned in the FIR and the empty truck was recovered while parked near toll-tax Behror Road, Alwar. The stolen articles were also not recovered from the present petitioner, rather same were recovered on the basis of disclosure statement made by co-accused Sube Singh, to whom the concession of regular bail has already been granted. The petitioner is in custody since 04.11.2011. The concession of bail has already been granted to the co-accused. The petitioner also deserves the same concession on the principle of parity.

Thus, the present petition is hereby allowed. Petitioner Mustak is ordered to be released on bail on furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate, Palwal.

07.07.2015*sunil yadav***(DARSHAN SINGH)
JUDGE**